

### Remarks

Applicant has deleted Claims 15 – 32 in favor of new Claims 33 – 46. This is solely for the purpose of avoiding confusion between “original” Claim 15, accompanying the original Application filed on August 9, 2000, and “new” Claim 15, as entered with the Amendment filed on February 11, 2002.

Applicant has amended main “new” Claim 15 and Claim 24, now Claims 33 and 40, respectively, to clarify important aspects of the invention with respect to transmitting the key code elements in succession to the TV screens within a plurality of selected time slots located within a plurality of selected time units between a start and an end of a TV transmission which is at least one of a TV program and a commercial spot. Reference to the Applicant’s drawings generally and Fig. 1 in particular demonstrate such TV transmission. Thus, in accordance with aspects of the invention as recited in the independent claims, there are a number of key elements presented during a TV program and/or commercial which are presented in a way that is completely detached from the so-called “black spaces” such that there will be at least two elements in a TV transmission (i.e., TV program and/or commercial). All key elements will be between the start and end of a particular TV program and/or commercial. Thus, there is always a plurality of time units within a program. Also, it is important to note that within a time unit, there are located time slots and each key

code element is located in such a slot. The positioning of such a slot within a time unit can be selected at random and also the duration may be selected as well.

It is important to note that during a defined TV-program, i.e., without black spaces, the code elements of a code can be transmitted at specified time slots within selected time units between the start and end of the TV-program. Whether such TV-program includes commercial spots is immaterial. Code elements can be presented during a movie and, if applicable, also during commercial breaks in the movie. Further, the code elements can be presented entirely during a commercial spot, whether that is, e.g., between a movie and a further movie or news program, or is in fact forming a part of a total TV-program.

We acknowledge the Examiner's helpful comments concerning Claims 18, 19 and 24-32 with respect to §112. In that regard, the Applicant notes that Claim 24 (new Claim 40) is directed to a system as stated: "a system for announcing...". Thus, Claim 24 (new Claim 40) is directed solely to a system and not a method.

Claims 18 and 27, now Claims 36 and 43, respectively, have been amended in accordance with the Examiner's helpful suggestions to provide appropriate antecedent basis.

Claims 19 and 28 have been canceled, thereby rendering the objection of those claims as moot. Other minor amendments to selected ones of the claims have been made to place them into proper form for allowance.

Applicant encloses an Abstract on a separate sheet for the Examiner's convenience. The Abstract is essentially a reproduction of Claim 33 in a single paragraph.

The Applicant acknowledges the 35 U.S.C. §102 rejection of Claims 15-32. The Applicant further notes with appreciation the Examiner's helpful detailed comments concerning Llenas and the specific locations in which selected disclosure may be found. The Applicant has no particular objection to the specific locations pointed out in the Official Action. However, it is important that a number of the items set forth in the Official Action are not supported by locations within the Llenas disclosure. The reason is that Llenas fails to disclose particular aspects of the claims as recited herein.

As an example, "new" Claim 15 (now Claim 33) now recites a step of transmitting the key code elements in succession to the TV screens within a plurality of selected time slots located within a plurality of selected time units between a start and an end of at least one of a TV program and a TV commercial spot. The Applicant respectfully submits that Llenas fails to teach or disclose this, either explicitly or implicitly. There simply is no disclosure of transmission of key code elements within a plurality of time slots located within a plurality of selected time units between a start and an end of at least one of a TV program and TV commercial spot.

In sharp contrast, Llenas discloses the primary aspect of detecting the ends of programs and commercials and inserts a "clue" into the black spaces in between. As helpfully pointed out in the Official Action, there is another embodiment of Llenas that

takes a different approach. This approach is shown in Fig. 6 and described in Col. 7 beginning at line 50. However, this disclosure in Llenas is different than what is claimed. This difference is demonstrated by reference to Fig. 6 of Llenas, which shows that the game clues, i.e., the key code elements, are attached to the ends of the commercials. As noted above, this avoids the need to detect the beginning and end points of the programs and commercials. The clues are simply attached to the commercials and, only after being attached to the commercial, are the signals provided to the local TV station airing both the program and the commercials. As a consequence, the clues are still associated with the black spaces. They are either inserted into the black spaces in accordance with the first embodiment of Llenas or they are aired in the black spaces as a consequence of having been previously attached to the ends of commercials intended to run between programs or program segments.

That procedure, methodology and system is not the invention as recited in the claims. The invention deliberately avoids the black spaces and transmits key code elements between a start and an end of at least one of the TV program and the TV commercial spot. This is not contemplated by Llenas. All embodiments of Llenas are associated with the black spaces, whether by insertion into the black spaces after having detected the ends of the program and/or commercial or by attachment to the ends of commercials prior to airing of the commercials.

Also, Col. 8 at lines 28-35, as helpfully noted by the Examiner, specifically highlights use of the black spaces either in full or at least partially. Lines 35-38

specifically refer to air time for clues to be in regular TV programming spots as well as the black spaces between programs and commercials. As a consequence, the Llenas disclosure is confined to either direct or indirect use of black spaces as an essential element. This is sharply contrasted to this invention, which is not confined to black spaces at all. In fact, this invention utilizes spaces within the commercials and the TV programming, having nothing to do with the black spaces at all. Withdrawal of the §103 rejection of the Claims is respectfully requested.

In light of the foregoing, we respectfully submit that the entire application is in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury  
Reg. No. 31,750  
Attorney for Applicant

TDC:dh  
(215) 563-1810